

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BEVERLEE SCHWEIGHARDT and
JOSEPH G. SCHWEIGHARDT,

Plaintiffs,

v.

CHARLES D. AXELROD, Trustee for
the Liquidation of W.S. Clearing, Inc.,

Defendant.

Case No. 04-10744 RWZ

ASSENTED-TO MOTION TO
FURTHER EXTEND TIME TO
ANSWER

Defendant Charles D. Axelrod (the "Trustee"), as Trustee for the liquidation of W.S. Clearing, Inc., hereby moves to further extend the time by which he will answer or otherwise respond to the Complaint in the above-captioned matter. As grounds for his Motion, the Trustee states as follows:

1. This action was brought against the Trustee, in his capacity as a trustee appointed under the Securities Investor Protection Act ("SIPA"), in a civil action commenced on or about March 25, 2004 in the Superior Court for the Commonwealth of Massachusetts for Barnstable County under Civil Action No. 04-162 entitled Beverlee Schweighardt and Joseph G. Schweighardt, Plaintiffs, versus Charles D. Axelrod, Trustee for the Liquidation of W.S. Clearing, Inc., Defendant;

2. On April 9, 2004 the Trustee timely removed that action to this Court on the basis of federal question jurisdiction;

3. On April 20, 2004 this Court allowed Trustee's assented-to motion to extend the time to answer to May 17, 2004;

4. The parties are engaged in settlement negotiations to resolve all of the claims raised in this action and Plaintiffs have assented to this Motion and to the extension of the time in which the Trustee must respond to the complaint until June 1, 2004; and


5. Allowance of this motion will prejudice neither this Court nor the public interest.

WHEREFORE, the Trustee respectfully requests that this Court extend the time by which he must respond to the Complaint to June 1, 2004.

Respectfully submitted,

CHARLES D. AXELROD, TRUSTEE
FOR THE LIQUIDATION OF W.S. CLEARING

By his attorneys,

By 
Mark A. Walsh (BBO No. 567986)
LeBOEUF, LAMB, GREENE & MacRAE, L.L.P.
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Dated: April 30, 2004

Certificate of Service

I, Mark A. Walsh, counsel for Defendant, hereby certify that this day, April 30, 2004, I served a copy of the above pleading by mail on counsel for Plaintiff.


Mark A. Walsh